

REMARKS:

In the foregoing amendments, the limitations of claims 2 and 4 were inserted into claim 1. Claim 1 was further amended to define that a connecting member extends between the first and second parts and has a shape matching that of the toe end portion of the boot. Claim 13 was amended to define that the pad has a shape matching that of the toe end portion of the boot. These arrangements in claims 1 and 13 are shown, for example, in Figs. 24 and 33A to 34B, of the present specification disclosure. In addition, claims 6 and 7 were amended to better define the arrangements shown in figures 24-29 of the present application. All these amendments were made to clarify what was already implied in applicant's claims, and these amendments are not narrowing amendments and were not made for reasons substantially related to patentability presented.

Claims 1, 3 and 5-15 remain in the application for consideration by the examiner. Claims 1-3, 6-9, 13 and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by French No. 2,774,302 of Rigal (Rigal '302). This rejection is set forth on pages 2 and 3 of the Official action. Claims 4, 5 and 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rigal '302. This rejection is set forth on pages 3 and 4 of the Official action. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rigal '302 in view of U. S. patent No. 6,076,848 of Rigal *et al.* (Rigal '848). Applicant respectfully submits that the teachings of Rigal '302 and/ Rigal '848 do not disclose or suggest the inventions defined in claims 1, 3 and 5-15 within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103 for at least the following reasons.

The teachings of Rigal '302 were newly cited against applicant's claims. Fig. 3 of Rigal '302, which was referred to in the Official action, corresponds to strap 12 shown in Fig. 1 of Rigal '302. However, strap 12 in Rigal '302 secures the middle or upper portion of the foot just

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below the ankle. Accordingly, applicant respectfully submits that strap 12 in Rigal '302 is not particularly pertinent to the presently claimed invention that is concerned with securing the toe of the boot in the manner as presently claimed. In other words, applicant respectfully submits that the teachings of Rigal '302 do not contemplate or suggest the invention defined in claim 1, which requires attachment to the toe end portion of the boot including, *inter alia*:

a second band mounted on a second side of the base plate opposite the first side of the base plate in a width direction, the second band being removably attached to the first band, *so as to fasten a toe end portion of the boot to the base plate*, the second band fastening the toe end portion at an acute angle with respect to the base plate and the toe end portion of the boot; and

a pad attached to one of the first band and the second band at an upper surface of the pad, the pad comprises a *first part with a lower surface contacting a front surface of the toe end portion of the boot*, a *second part with a lower surface contacting an upper surface of the toe end portion of the boot*.

In addition, claims 1 and 13 respectively defined, *inter alia*, a connecting member extending between the first and second parts *having a shape matching that of the toe end portion of the boot* (claim 1) or *a pad having a shape matching that of the toe end portion of the boot* (claim 13). The teachings of Rigal '302 do not remotely contemplate or suggest these structures in applicant's claims 1 and 13.

Furthermore, portions 29 and 30 of strap 12 of Rigal '302 propose a structure and securing arrangement different than the arrangements shown in figures 24-29 and defined in present claims 6 and 7, where, *inter alia*:

a first band mounted on a first side of the base plate;

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a second band mounted on a second side of the base plate opposite the first side of the base plate in a width direction; and

a *third band* mounted on the first band at a first portion and removably attached to the second band at a second portion, *the third band including first and second belts, the first and second belts respectively having a first end secured to the first portion of the first band and a second end secured to the second portion of the second band, the first and second belts being separated in middle portions thereof, third band fastening to a toe end portion of the boot* at an acute angle with respect to the base plate and the toe end portion (claim 6),

OR,

a fixing structure connecting a first side of the base plate to a second side of the base plate at an acute angle with respect to a toe end of the boot, *the fixing structure including a first belt holding a front portion of the toe end of the boot and a second belt holding a top portion of the toe end of the boot, the first and second belts having common first and second ends and being separated in middle portions thereof;* and

a first band that removably connecting the fixing structure to the first side of the base plate (claim 7).

For such reasons, applicant respectfully submits that the inventions defined in claim 6 and 7 are patently distinguishable from the teachings of Rigal '302.

The teachings of Rigal '848 were only used in the rejection of claim 15. These teachings do not cure or rectify the deficiencies in the teachings of Rigal '302 enumerated above.

Therefore, applicant respectfully submits that the combined teachings of Rigal '302 and Rigal

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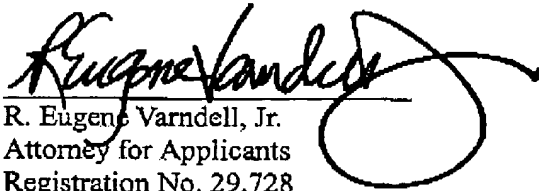
'848 do not disclose or suggest any of the inventions set forth in claims 1, 3 and 5-15 for the reasons set forth above.

For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 1, 3 and 5-15 are patently distinguishable from the teachings of Rigal '302 and/or Rigal '848 within the meanings of 35 U.S.C. §102 and 35 U.S.C. §103(a). Therefore, applicant respectfully requests that the examiner reconsider and withdraw all the rejections set forth in the outstanding Office action. Accordingly, a formal allowance of claims 1, 3 and 5-15 is respectfully requested.

While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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